IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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Writ Petition No. 8020 of 2003

Between:

1. Lavudu Pothuraju, S/o.Somulu, 72 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

2. Lavudu Rajababu, S/o.Rambabu, 51 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

3. Lavudu Apparao, S/o.Narayana, 52 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

4. Lavudu Ramana, s/o.Pothuraju, 50 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

5. Lavudu Appalanaidu, S/o.Musili, 42 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

6. Lavudu Naribabu, S/o.Nookaiah, 51 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

7. Lavudu Nooka Raju, S/o.Narayana, 55 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

8. Lavudu Rambabu, S/o.Pothuraju, 53 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

9. Lavudu Konda, S/p.Appanna, 46 years, R/o.Yarravaram village, Yalamanchili Mandal, Visakhapatnam District.

10.Lavudu Appalanaidu, S/o.Pothuraju, 56 years,

R/o.Yarravaram village, Yalamanchili Mandal,

Visakhapatnam District.

11.Lalam Nookaraju, S/o.Peda Appanna, 52 years,

R/o.Yarravaram village, Yalamanchili Mandal,

Visakhapatnam District.

12.Lalam Simhachalam, S/o.Appanna, 60 years,

R/o.Yarravaram village, Yalamanchili Mandal,

Visakhapatnam District.

13.Allu Chinakondanna, S/o.Venkaiah, 58 years,

R/o.Yarravaram village, Yalamanchili Mandal,

Visakhapatnam District.

..... PETITIONERS

AND

1. The Govt. of Andhra Pradesh, rep. by its Principal Secretary, Roads and Buildings, Secretariat, Hyderabad.

2. The Project Director, National Highways Authority of India, Roads and Buildings, Marripalem, Visakhapatnam.

3. The Competent Authority and Special Deputy Collector (Land Acquisition), N.H.5, Roads and Buildings, Marripalem, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents acquiring the lands of the petitioners which are situated in S.No.70/2 of Village-Yerravaram25, Yelamanchili Mandal, Visakhapatnam District under National Highways Act, 1956, without paying any compensation to them to their respective lands and initiating steps to dispossess them is highly illegal, arbitrary and opposed to the principles of natural justice and also violating the fundamental rights of the petitioners guaranteed under Articles 14, 16 and 21 of the Constitution of India. Consequently direct the respondents to pay the compensation to the petitioners before initiating steps of dispossession.

Counsel for the Petitioners: MR.R.DILIP KUMAR

Counsel for the Respondent Nos. 1 to 3: GP FOR LAND ACQUISITION

The Court made the following :

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O R D E R:

This writ petition is filed by the petitioners, numbering 13, seeking writ of Mandamus declaring the action of the respondents in acquiring the lands of the petitioners without paying any compensation and initiating steps to dispossess them as illegal and arbitrary.

First petitioner has given his sworn affidavit in support of the writ petition. It is averred in the affidavit that the petitioners inherited the properties, and therefore, they have got right and title over the same.

One D.Subash Chandrabose has filed counter affidavit on behalf of third respondent. It is averred in the counter affidavit that land in S.No.70/2 of Yerravaram village is classified as “Anadheenam” and that an award came to be passed on 04.01.2003 vide Award No.38 of 2002.

Heard counsel for the petitioners as well as Government Pleader for Land Acquisition.

It is not in dispute that the Government passed Award No.38 of 2002, dated 04.01.2003. If the petitioners are aggrieved, they are at liberty to challenge the said award, if they are entitled to do so. When once an award is passed, the relief claimed by the writ petitioners cannot be granted.

Accordingly, this writ petition is dismissed. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 7th June, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary, Govt. of Andhra Pradesh, Roads and Buildings, Secretariat, Hyderabad.

2. The Project Director, National Highways Authority of India, Roads and Buildings, Marripalem, Visakhapatnam.

3. The Competent Authority and Special Deputy Collector (Land Acquisition), N.H.5, Roads and Buildings, Marripalem, Visakhapatnam.

4. Two C.Cs. to the Government Pleader for Land Acquisition, High Court Buildings, Hyderabad. (O.U.T.)

5. 2 CD copies

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